UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK		
BRANDON C. JONES,	x :	
Plaintiff,	:	20-CV-5581 (AJN) (OTW)
-against-	:	<u>ORDER</u>
VOLUNTEERS OF AMERICA GREATER NEW YORK, et al.,	: : :	
Defendants.	:	

ONA T. WANG, United States Magistrate Judge:

The Court has reviewed *pro se* Plaintiff's June 8, 2021 email correspondence. (ECF 42). The Court notes that Plaintiff emailed the Pro Se Intake Unit, but did **NOT** follow proper procedures for making filings by email. The Court construes Plaintiff's email as an opposition to Defendant's motion to dismiss dated March 4, 2021, a request for an unspecified extension or stay, and a request for appointment of *pro bono* counsel. Plaintiff's requests are **GRANTED** in part and **DENIED** in part.

If *pro se* Plaintiff wishes to file an additional opposition to Defendants' motion to dismiss, he must do so by **June 30, 2021**. Discovery remains stayed pending the Court's decision

on the motion to dismiss. Plaintiff's request for *pro bono* counsel is **DENIED without prejudice**.¹ Plaintiff may renew his request for counsel if the case survives Defendants' motion to dismiss.

Filings by a pro se party must be sent to the Pro Se Intake Unit by email

(Temporary Pro Se Filing@nysd.uscourts.gov), regular mail, or in-person delivery at the drop box at the Daniel Patrick Moynihan Courthouse (500 Pearl Street, New York, NY 10007).

Instructions are available at https://nysd.uscourts.gov/forms/instructions-filing-documents-email and https://www.nysd.uscourts.gov/prose. Plaintiff should NOT email filings to
Chambers directly and is advised to limit his filing of sensitive personal information and documents to those necessary and relevant to this litigation.

Defendants are directed to serve a copy of this Order on Plaintiff and file proof of service on the docket by June 18, 2021.

Dated: June 15, 2021 New York, New York s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge

¹ In a civil case, such as this, the Court cannot actually "appoint" counsel for a litigant. Instead, the Court may only "request" that an attorney volunteer to represent a litigant. *Mallard v. U.S. Dist. Court for the S. Dist. of Iowa*, 490 U.S. 296, 301–310 (1989); see Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986) (setting forth factors a court should consider in deciding whether to request *pro bono* counsel). Therefore, even when the Court exercises its discretion to seek *pro bono* representation for a civil litigant, there is no guarantee that an attorney will actually ever volunteer to take the case, and a lengthy period of time may pass before an attorney volunteers. The Court often orders that the litigation progress at a normal pace and directs the litigant to be prepared to proceed without counsel. *See*, e.g., *Liverpool v. Davis*, No. 17-cv-3875 (KPF), 2021 WL 601653, at *2 (S.D.N.Y. Jan. 29, 2021).